



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/2/KOR/1  
9 April 2008

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Second session  
Geneva, 5-16 May 2008

NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \*

**Republic of Korea**

---

\* The present document was not edited before being sent to the United Nations translation services.

## **I. INTRODUCTION**

### **A. The Republic of Korea's position on the Universal Periodic Review**

1. The Republic of Korea (ROK), with the experience of transforming itself from an authoritarian regime of the past to a democratic nation in a short period of time, fully recognizes the importance of human rights as a universal value. Benefiting from the valuable lessons learned in this process, we are deeply committed to adhering firmly to the principles of human rights. Accordingly, the ROK has continued to promote and protect human rights at the domestic level, and consolidated cooperation in the human rights field at the international level. The ROK government is deeply aware of the fact that protecting human rights is not a political option but rather a responsibility and a duty which is inherently linked with the very "raison d'être" of the nation.

2. The ROK has been playing a full role in United Nations activities to protect and promote international human rights, including by taking an active part in establishing the United Nations Human Rights Council as a founding member. Furthermore, the Government is also currently exerting efforts to strengthen domestic human rights institutions. In this regard, we established the National Action Plan for the Promotion and Protection of Human Rights ("NAP") in May 2007 which sets comprehensive policy goals for the promotion and protection of human rights.

3. Having been through the dark tunnel of human rights oppression in the past, the ROK is now reaffirming its resolute commitment of "all human rights for all". To this end, we stand ready to exchange views with other United Nations Member States, international organizations, and NGOs through the UPR process. Indeed, the UPR offers the ROK an opportunity to explore ways to identify and overcome numerous challenges and limitations. The Government is ready to discuss the human rights situation through genuine dialogue and cooperation within the Human Rights Council and seek advice from other international human rights organizations as well as NGOs. The ROK hopes to further consolidate its capacity in the promotion and protection of human rights in this way.

### **B. Methodology and Process of Consultations**

4. The National Report as part of this review outlines the normative and institutional framework, policies and their implementation in the protection and promotion of human rights. It also sets out best practices to be shared with other Member States. In addition, the Government will concentrate on clarifying the constraints faced in reality and, through dialogue and cooperation with the international community, will seek to identify solutions together in those fields of human rights in which improvements are required.

5. This report has been prepared in line with the guidance provided in Resolution 5/1 of 18 June 2007 by the Human Rights Council, and on the General Guidelines for the Preparation of Information under the Universal Periodic Review set out in Document A/HRC/6/L.24

6. The Ministry of Foreign Affairs and Trade has coordinated the process of preparing this report and has engaged in close consultations with the relevant ministries and government bodies. The Government has consulted the National Human Rights Commission of Korea (NHRCK), non-governmental organizations and experts through various consultative meetings. It has also undertaken efforts to gather public opinion by conducting wide-ranging

on-line inquiries and by posting the draft report on the Web site of the Ministry of Foreign Affairs and Trade. The Consultation Meeting with NGOs was held on 18 March 2008. The Government also takes note of the critical comments some NGOs submitted in writing prior to the submission of the report.

## **II. THE NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

### **A. Basic goals**

7. The ROK respects the human dignity and value and the right to pursue happiness of all people. It commits itself to confirm and guarantee each individual's right to enjoy inviolable human rights and fundamental freedoms without discrimination.

8. In the area of civil and political rights, the Government makes every effort to expand and where necessary, protect the individual's freedom and liberty in all areas of life, security of person, movement and residence, privacy, thought, conscience, religion, speech, publication, assembly, association, political participation, etc.

9. In the area of economic, social, and cultural rights, the Government strives to enhance the quality of the lives of individuals by providing a wide range of opportunities to enjoy education, culture, health services, etc. It is also exerting every possible effort to guarantee labor rights, the right to a decent life and the right to health of the low-income or the vulnerable by securing the social safety net.

10. The Government seeks to promote the human rights of the underprivileged and minorities. It also tries to achieve sound social integration by abolishing discrimination in the law, institutions and practices so as to promote the human rights of the underprivileged and minorities. We seek to reflect the perspectives of the underprivileged and minorities in the process of legislation and policy implementation and to eliminate prejudice among the members of society, fostering mutual respect for diversity.

11. Moreover, considering the political, economic, social conditions as well as feasibility, the Government continues to pursue the domestic implementation of international human rights standards and recommendations by the international human rights treaty bodies. It also continues to focus its efforts to raise public awareness of human rights through education and publicity campaigns pertaining to human rights issues.

### **B. Legal and institutional background**

12. The Constitution of the ROK guarantees basic human rights and stipulates the categories and nature of human rights. It also stipulates the scope of the limitation of basic human rights and the obligation of the state to reaffirm and guarantee the inviolability of individual human rights. The Constitution stipulates that basic freedoms and rights should not be undervalued simply on the grounds that they are not specified in the Constitution.

13. While there is no comprehensive human rights act that encompasses the promotion and protection of all human rights, the entire spectrum of human rights is in fact covered by a range of acts. Such acts reaffirm and specify human rights and fundamental freedoms. No provision of an individual law can infringe on basic human rights beyond the limitations stipulated in the Constitution and in the case of an infringement, the matter may be referred to the Constitutional Court for a review of the constitutionality of the provision.

14. In principle, the protection of human rights is ensured through criminal punishment and compensation for damages. Administrative measures that violate human rights can be nullified or cancelled through administrative appeals or administrative litigation. Furthermore, in the case that the violation of fundamental human rights due to the act or omission of public power is not redressed even after all procedural remedies have been exhausted, one can file a complaint before the Constitutional Court.

15. Apart from judicial decisions, victims of human rights violations can petition the Ombudsman institution, Civil Rights Commission, or the National Human Rights Commission of the Republic of Korea, and seek remedies through the recommendations of such institutions.

16. The ROK is a party to the six core human rights treaties : the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and Convention on the Rights of the Child (CRC). The ROK signed the Convention on the Rights of Persons with Disabilities (CRPD) on March 30th 2007, and is seeking to achieve its early ratification.

17. International treaties duly concluded and promulgated under the Constitution and generally recognized rules of international law have equal effect as domestic law, as do the international human rights treaties. When legislating or amending domestic laws, the Government thoroughly reviews all draft laws to avoid any possible conflict between international laws and new legislations.

### **C. Human rights institutions**

18. The various government ministries and institutions all play their own role in the protection and promotion of human rights, with each playing slightly different roles of varying levels of importance. Major ministries in this regard include the Ministry of Justice, which is responsible for ensuring the right to liberty and security of the person, the Ministry of Education, Science and Technology for educational rights, the Ministry of Labor for labor rights, the Ministry of Health, Welfare and Family Affairs for issues pertaining to health rights and the rights of the child, Ministry of Gender Equality for women's rights, etc.

19. In order to ensure an integrated approach to the range of diverse human rights issues dealt with by each ministry, the Government established the Human Rights Bureau in the Ministry of Justice responsible for coordinating human rights policies within the Government. The National Human Rights Policy Council presided over by the Minister of Justice establishes comprehensive human rights policy such as the NAP and deals with the task of discussing and coordinating key issues of human rights policies.

20. The "NAP 2007-2011," which is the first comprehensive plan on human rights, was adopted in May 2007. Thirty related government ministries and institutions participated in drawing up this plan which is now in the process of being implemented.

21. In addition, the National Human Rights Commission was established in November 2001 as a national human rights institution independent from government organizations. The National Human Rights Commission undertakes various activities, including making

recommendations for the improvement of policies, laws, institutions and practices, conducting a wide-range of investigations on human rights conditions, providing recommendations on discriminatory practices, and carrying out human rights education and awareness raising as well as cooperating with both foreign and domestic human rights organizations.

#### **D. International human rights obligations**

22. The ROK, as a United Nations Member State, cooperates with the United Nations system "to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all" and is committed to fulfilling the obligations under the United Nations Charter. Abiding by the "Universal Declaration of Human Rights" adopted by the United Nations General Assembly in 1948, the ROK will observe the basic human rights treaties and standards which serve to embody the principles set out in the Universal Declaration.

23. The ROK, as a state party to the six core human rights treaties, has faithfully submitted reports on the measures adopted by the Government to implement the conventions and stand under examination by treaty bodies. Moreover, the Government pursues higher human rights standards through the faithful implementation of the voluntary pledges and commitments that the Government announced as a candidate for membership to the HRC in 2006.

### **III. PROMOTION AND PROTECTION OF HUMAN RIGHTS**

#### **A. Implementation of human rights obligations**

24. The Government guarantees and promotes civil, political, economic, social and cultural rights, firmly recognizing the principles of universality, indivisibility, interdependence and inter-relatedness of all human rights, while endeavoring to protect the human rights of the vulnerable and minorities such as children, women, persons with disability and foreigners. Considering the concluding observations by the human rights treaty bodies, the Government would like to set out the measures taken for the implementation of human rights obligations and commitments.

##### **1. Right to Life**

25. With respect to the maintenance or abolition of the death penalty, national consensus has not yet been reached. However, as no executions have been carried out since December 1997, the ROK was classified in December 2007 by Amnesty International as an "abolitionist in practice." On the occasion of the adoption of the Resolution on a Moratorium on the Death Penalty at the 62nd United Nations General Assembly in November 2007, inter-ministerial discussions on the death penalty were held.

26. The Draft of the Amendment of Bioethics and Safety Act and the draft of the Reproduction Cells Act presented to the National Assembly are intended to provide a domestic legal framework that conforms to international bioethics standards, including the protection of the patients' right of self-decision, reproduction cells and DNA information.

## **2. Privacy**

27. The Government seeks to ensure privacy from Closed Circuit Television (CCTV) in public institutions and the private sector. In the case of public institutions, the Amendment to the Act on the Protection of Personal Information Maintained by Public Agencies of May 2007 limits the installation of CCTVs to those cases in which it is necessary for the public interest. It takes measures to strengthen the installation, operation and management such as by making it obligatory to first gather the opinions of residents and to place signs advising people that the CCTVs is in operation. Research into the current situation and promotional activities in the private sector are both carried out to ensure that the 'Guidelines for the Protection of CCTV Personal Visual Information' that were put in place in October 2006 are abided by.

28. Public institutions and private companies are encouraged, in the collection and use of personal information, to conduct a 'Personal Information Influence Evaluation' for the purpose of evaluating and improving upon factors that pose a risk for the release of personal information or illegal transactions. The Government is considering introducing legislation on a personal information risk management system to ensure that private corporations of certain categories periodically check the status of the personal information management.

## **3. Liberty and security of person**

29. The Penal Procedure Code, which was the object of observations and recommendations by human rights treaty bodies, including the Human Rights Committee, was revised in April 2007. The improvements include the introduction of measures on areas such as the procedure of arrest in exigent circumstances, the right to be promptly subjected to judicial scrutiny before detention, the enhancement of legal assistance provided for detainees, attorney participation in interrogations, and special protection for suspects and defendants with disabilities.

30. The Criminal Administration Act, which was pointed out as a harsh disciplinary punishment, was completely revised into the Criminal Administration and Treatment of Prisoners Act in December 2007. According to the new Act, the term "restraining devices" was changed to "protective equipment" to avoid being misunderstood as a tool for disciplinary punishment. It also stipulates that the protective equipment cannot be used as a means of disciplinary punishment. Furthermore, chains cannot be used as protective equipment and prisoners cannot be isolated for over a period thirty days.

31. To eliminate the possibility of inhumane treatment in the process of investigations, the revised Penal Procedure Code in April 2007 provides that the entire process of interrogating suspects can be videotaped and that every public prosecutor's office shall install video taping equipment in its investigation room. The Penal Procedure Code denies the admissibility of confessions obtained from illegal procedure.

## **4. Right to hold public office**

32. The Government takes or pursues various initiatives to guarantee equal opportunities for women, the disabled and capable people from various regions in assuming public positions. The Five Year Plan for the Expansion of Women Managers in Public Positions above director or deputy director level (Rank 4) aims to increase the proportion of women managing officers above Rank 4 and the Equal Employment Initiative for Gender sets a

minimum target employment rate of one sex to at least 30 per cent. Further, a mandatory employment rate of 2 per cent is being pursued to provide balanced opportunities for the disabled serving in public posts, and the groundwork has been laid for the introduction of a “Special Employment Policy for the Seriously Handicapped” with the revision of the Decree of Public Officials Appointment Examination in December 2007. The “Regional Talent Target Employment Policy” (Target employment rate of 20 per cent) was adopted in 2007 to ensure balanced opportunities for qualified candidates from all regions to assume public positions.

## **5. Equal treatment**

33. In accordance with the recommendations of the Committee on the Elimination of Discrimination Against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD), a draft Anti-Discrimination Act that prohibits and prevents ungrounded discrimination in all areas of living and provides remedies for damage incurred by unreasonable discrimination was submitted for deliberation before the National Assembly in December 2007. The Government's efforts to provide equal treatment for foreigners and persons with disabilities will be further described in relevant paragraphs.

## **6. Women's rights**

34. Achievements in protecting the human rights of women and furthering their empowerment include the enactment of the Framework Act on Women's Development (1995) and the establishment of the Ministry of Gender Equality (2001). In addition, the Civil Act was amended in 2005 in order to abolish the Family Head System, allowing the Family Relationship Registration which ensures the implementation of the equal status of men and women in families and society starting from 2008. The Government has made progress in eliminating gender-based discrimination on the legal age for marriage by making the legal age 18 years for both men and women. Furthermore, it is continuously striving for the promotion of women's rights in family affairs, as evidenced in its submission to the National Assembly of a revised Civil Act ensuring women's equal rights to accumulated property during married life.

35. Furthermore, in order to incorporate gender perspectives into government policies, a gender impact analysis system was introduced (2003) and applied (2004), and a gender budget analysis system was established (2006). Efforts to raise the participation of women in policy-making process resulted in an increase in the ratio of women in high-level positions; women lawmakers 5.9 per cent (2002) →14.1 per cent (2007); women in government advisory committees 30.1 per cent (2002) →33.7 per cent (2006); high-level female public officers 5.5 per cent (2002) →9.6 per cent (2006); and female professors at national or public universities 9.1 per cent (2002) →10.97 per cent (2006).

36. To ensure gender equality in employment and to enhance women's economic participation, the amount of monthly payment for childcare leave (200,000 won (US\$200) in 2001 →500,000 won (US\$500) in 2007) was increased, and subsidies for continuous employment of women after childbirth (2006) and special paid leave for women who suffer from miscarriages were also introduced. Furthermore, Affirmative Action for Women's Employment (2006) was introduced.

37. To prevent violence against women and to ensure the further protection of their human rights, the Act on the Punishment of Procuring Prostitution and Associated Acts and the Act

on the Prevention of Prostitution and Protection of Victims (2004), and the Comprehensive Action Plan to Prevent Prostitution (2004) were established. In addition, the Support Center for Victims of Forced Prostitution (2005) was launched to provide rehabilitation support. Also, various support policies were introduced such as the expansion of counseling centers and protection facilities for victims of sexual and domestic violence, the provision of a One-Stop Service for victims, which provides counseling, medical, investigative, and legal needs, and the establishment of dedicated centers for the prevention of sexual violence against children (three locations).

## **7. Rights of the child**

38. The Government ratified the Convention on the Rights of the Child in 1991 to participate in the international community's efforts to guarantee and protect the rights of the child. The Government has made realizing the rights of children as one of its key national policy goals in order to implement 'A World Fit For Children' as adopted at the United Nations General Assembly Special Session on Children in May 2002.

39. To meet international standards on the rights of the child, the Government has been implementing three key general measures related to children. First, the Comprehensive Plan for Child Protection and Development was introduced in 2002 to foster a healthy social environment for growing children. Second, the Government put in place the Comprehensive Plan for Child Safety in 2003 to ensure that children could live free from abuse, school violence, and accidents. Lastly, through the introduction of the Comprehensive Plan for Children and Youth in Poverty in 2004, the Government began to provide children in need with a basic standard of living and strengthen support designed to help them stand on their own feet. Since 2007, as means to active investment in human capital, the Children Development Account (CDA) was introduced to support accumulation of assets of low-income children. Furthermore, the 'Hope Start Project' was launched to provide customized integrated services in health, welfare, education and culture to children residing in poor areas.

40. In compliance with a recommendation adopted by the United Nations Committee on the Rights of the Child (CRC) in 2003, the revised Civil Act in 2007 extended children's rights of direct contract with their parents, the rights of which used to be limited to parents. As for the prohibition of physical punishment of children, the Government is working to ban physical punishment of children entirely by modifying related laws while strengthening education on children's rights during training for school teachers.

41. The Government expanded the scope of people who are obliged to report child abuse by revising the Child Welfare Act in 2004. By establishing 44 specialized institutions dedicated to protecting children from violence throughout the nation, the Government provides rapid protection and other necessary services for child victims. In order to deal with school violence, the Act on the Prevention and Countermeasures against School Violence was enacted in 2004 while government-wide policies were implemented under the leadership of the Prime Minister in 2005 to eradicate school violence including cyber crimes and sexual violence.

## **8. Rights of persons with disabilities**

42. The Government put in place a framework for welfare for the disabled with the 'Welfare of Disabled Persons Act' in 1981, and also established the 'Act on Convenience Promotion for Persons with Disabilities, the Elderly and Pregnant Women' in 1997 to ensure

access to facilities, information and communications. In 2005, the 'Act on Mobility Promotion for Persons with Disabilities' was established to enhance transportation rights and, in 2007, the 'Anti-Discrimination against and Remedies for Persons with Disabilities' was enacted in order to realize the guarantee of human rights on a firm basis of rights and is scheduled to be brought into effect in April 2008. The Act prohibits both direct and indirect discrimination and defines the refusal to provide reasonable accommodation for the disabled as discrimination. All these laws represent movement towards the full participation and equality of the disabled in society.

43. At the domestic level, the 'Charter of Human Rights for Persons with Disabilities' was established in 1998 to guarantee the human rights of the disabled, and in 2008, 'Guidelines to Ensure Human Rights for Persons with Disabilities Living in Disabled Housing Facilities' were drawn up. In addition, the Government is supporting and monitoring the activities undertaken by human rights organizations such as the Research Institute of the Differently Abled Person's Rights in Korea and the Human Rights Forum of Persons with Disabilities in the ROK.

44. The ROK will pursue the early ratification of the 'Convention on the Rights of Persons with Disabilities,' which is currently undergoing domestic procedures for ratification. It will fully support the activities of international and national NGOs dealing with the issue of disability.

## **9. Right to Education**

45. Six years of elementary school and three years of middle school education are mandatory, and the former is provided free of charge. Necessary protection and assistance for underprivileged students such as the children of those receiving basic livelihood assistance, children from single parent families and the near poor, are being provided in such forms as school meal subsidies.

46. In May 2007, the Act on Special Education for Persons with Disabilities was enacted to guarantee the right of students with disabilities to receive proper education. This Act stipulates the establishment of a system for the early detection of disabilities, free education for children with disabilities under three years of age, successive mandatory education in kindergarten and high school for those in special education programs, the obligation of universities to provide support to students with disabilities, amongst others. Efforts are being exerted to expand the number of special education classes as well as teachers so that the law can be brought into full effect from May 2008.

47. To ensure a high quality of education for school dropouts, the Government is seeking to improve alternative schools and facilities including the development of curricula, financial assistance and joint workshops between teachers of standard schools and alternative schools, and is operating programs to ensure the right to lifelong education through the Lifelong Education Act.

## **10. Labor rights**

48. In order to ensure the effective realization of the right to work, the Government has invested large sums of money to enhance employment services and vocational skills development programs. As a result, the employment rates for men and women aged 15-64 increased to 74.6 per cent and 53.1 per cent respectively in 2006. The Government

established a mid-term employment policy plan in 2003, with a focus on expanding growth-engine industries and creating more jobs, and began to implement job creation measures based on the Social Pact for Job Creation agreed on by tripartite parties in February 2004. In particular, for vulnerable groups of workers, such as women, young people, the elderly and the disabled. The Government is further strengthening active labor market policies, including employment services, support for social service jobs, vocational skills development and employment subsidies.

49. In order to address discrimination against and abuse of non-regular workers (referring to fixed-term, part-time or atypical workers including temporary agency workers, contract workers, workers in special types of employment, home workers, and daily laborers, who together accounted for 35.9 per cent of the total wage earners in 2007), the number of which had sharply increased in the wake of the financial crisis, the Government revised related laws and has implemented various measures for the protection of non-regular workers since July 1, 2007. The main features of these measures include: imposing no restrictions on reasons for the use of non-regular employment while providing remedial procedures to redress undue discrimination against non-regular workers; and banning their dismissal with no justifiable reason after a given period of employment (2 years). The measures are aimed at striking a balance between employment security and labor market flexibility. These measures have contributed to the improvement of non-regular workers' rights. This progress is expected to be consolidated as the Nation Labor Relations Commission's decisions to redress discriminatory practices are accumulated.

50. After many years of social dialogue to establish industrial relations for social integration, the Government finally reached a tripartite agreement in 2006 and, based on the agreement, has reformed its industrial relations laws and systems. The Government has made great progress in bringing them into line with international labor standards by, for instance, abolishing the compulsory arbitration system and notification requirement for third-party assistance. In recognition of such progress, the OECD Council decided in June 2007 to put an end to the monitoring of the ROK's reform of industrial relations, which had continued since 1996. The OECD's decision reflects a positive evaluation of the international community on the advancement of the industrial relations in the ROK.

51. Meanwhile, in an effort to guarantee basic labor rights for teachers, teachers' trade unions were legalized and teachers were guaranteed the right to organize and the right to collective bargaining. However, their right to collective action is restricted in light of the public nature and political neutrality of education, and the need to balance their rights with students' right to learn. Such a restriction is also imposed because teachers' educational activities, unlike general workers' activities, demand high moral standards and professionalism. In doing so, the Government has laid the foundation for win-win relations for the development of education policies.

## **11. Rights of migrant workers**

52. With its rapid economic growth, the ROK has transformed itself from a country sending its workers abroad to a country bring in workers from other countries. In this context, the Government introduced the Industrial Trainee System in 1993. However, the system failed to respond flexibly to changing labor demands, giving rise to such problems as human rights infringements and irregularities in the sending countries. To address these problems, the Government began to implement the Employment Permit System in 2004, which operates based on an inter-governmental agreement.

53. Discrimination against foreign workers is strictly prohibited pursuant to the Act on Foreign Workers' Employment. Like domestic Korean workers, foreign workers are protected by labor laws such as the Labor Standards Act, the Minimum Wages Act and the Industrial Safety and Health Act and are guaranteed the right to establish and join a trade union. In addition, insurance designed only for foreign workers was introduced to cope with the issues of overdue wages and retirement payments. The Government also strives to protect their rights and interests through regional or district labor offices under the Ministry of Labor as well as foreign worker support centers. So far a total of 14 countries in Asia, have signed an MOU to send workers to the ROK under the Employment Permit System.

## **12. Foreigners**

54. The Basic Act on the Treatment of Foreigners in the ROK was legislated in May 2007 to prevent discrimination and to safeguard the human rights of foreigners and their children. With regard to foreign women married to Koreans, particular efforts are being exerted such as establishing a 'Pan-Governmental Plan for Social Integration of Internationally Married Women' and quarterly reviews of its implementation, along with the enforcement of the above-mentioned Act. According to the Act, the central government and local governments must provide education, take measures to raise awareness and take other necessary actions to prevent as well as to safeguard the human rights of foreigners or their children; major issues relating to policies regarding foreigners in the ROK should be reviewed and coordinated through the 'Committee on Policies Regarding Foreigners' under the Prime Minister; and the Minister of Justice established periodic 5 year 'Basic Plans for Policies Regarding Foreigners'.

55. The Government has implemented support programs to assure a minimum standard of living for foreigners residing in the ROK who have married Korean nationals and are bringing up children with Korean nationality, pursuant to the National Basic Living Security Act and, for other foreigners, the Emergency Welfare Support Law.

## **13. Implementation of voluntary pledges**

56. The implementation status of the voluntary pledges and commitments to promote and protect human rights when the Government presented its candidacy for a membership of the Human Rights Council in June 2006, is set out below:

- Implementation of pledges for the enhancement of human rights at the national level
  - o Accession to the Optional Protocol to the Convention on the Elimination all Forms of Discrimination Against Women on 18 October 2006
  - o Withdrawal of the reservation made to Article 14.5 of the International Covenant on Civil and Political Rights on 2 April 2007
  - o Declaration of acceptance of Articles 21 and 22 of the Convention Against Torture on 9 November 2007
  - o Adoption of the NAP on Human Rights on 22 May 2007
  - o Strengthening of human rights education to raise public awareness for the mainstreaming of human rights

- Strengthening partnership and cooperation with civil society in the process of developing, implementing, and evaluating public policy
- Implementation of pledges for the promotion of international human rights
  - Continued cooperation with international human rights treaties such as compliance with submission deadlines of reports on the implementation of international human rights treaties and implementation of the recommendations by the treaty bodies
  - Rendering support to other United Nations members for the implementation of human rights obligations such as the DR Congo human rights mapping initiative
  - Bilateral as well as multilateral cooperation for the consolidation of democracy, rule of law and respect for human rights and fundamental freedoms
  - 
  - Cooperation with nations that request support in stabilizing democratic institutions through the activities of the Community of Democracies and Partnership for Democratic Governance
  - Contribution to the enhancement of the work of the United Nations High Commissioner for Human Rights
  - Active participation in the discussions on drafting the Convention on the Rights of Persons with Disabilities and the signing of it on 30 March 2007 and ongoing domestic procedure for ratification
- Pledges regarding the operation of the United Nations Human Rights Council
  - Active participation in the discussions on making the United Nations Human Rights Council a more transparent, productive, and substantial institution
  - Fulfilling the role as a member to respond to the violation of human rights in a more prompt and effective manner
  - Efforts to place equal emphasis on and realize civil, political, economic, social, and cultural rights.

## **B. Raising public awareness**

57. The draft Act on Human Rights Education was submitted to the National Assembly in November 2007. It was intended to be a basic law on human rights education, stipulating fundamental principles for human rights education: the right of everyone to receive human rights education, the obligation of public institutions to provide human rights education, and support by the central or municipal government for educational activities.

58. The Council for Human Rights Education in School was formed by 20 agencies, including relevant ministries, central administrative agencies and local education authorities

nationwide, in cooperation with the National Human Rights Commission, to conduct cross-agency consultations and coordination on policies regarding the human rights education for students in schools.

59. With regard to human rights education for public officials, the Guidelines for Public Officials Human Rights Education and Training were brought into effect in November 2007 to ensure that human rights education is incorporated into the training process for public officials in each ministry and office as well as public officials education facilities and training institutions. In the case of prosecution and judicial officials, position-specific human rights subjects which meet the needs of their specific roles such as 'correction and human rights,' 'foreigners and human rights,' and 'juvenile protection and human rights' are taught alongside human rights sensitivity training. In the case of police officials, human rights education exceeding 10 hours annually is being set in motion by introducing courses into the curriculum of the various police academies. In the military, a 'Human Rights Leadership Training Program for Commanding Officers' is being operated under the supervision of both the Ministry of Defense and National Human Rights Commission in order to advocate a human rights mindset as well as to foster human rights-friendly leadership amongst the military commanders.

60. The National Human Rights Commission provides human rights education for companies, the press and life-long education facilities, etc. The Commission helps citizens to gain a better understanding of human rights by developing and distributing human rights animation and movies, and also by holding exhibitions of human rights cartoons, pictures, films, and posters.

61. The Government published and distributed a booklet concerning the NAP which includes relevant provisions of the six core human rights treaties and concluding observations of each treaty body so as to promote understanding with respect to international human rights mechanisms.

62. The concluding observations of the treaty monitoring bodies have been translated into Korean for distribution to relevant institutions and have been made public by proper means such as publication of information on the government web sites for easy access to the information.

### **C. Cooperation with human rights mechanism**

#### **1. NAP Mechanism**

63. The NAP 2007-2011 for the Promotion and Protection of Human Rights of the Republic of Korea was adopted as the first comprehensive plan for human rights policies of the Government. In the process of drafting the NAP, the Government, based on the recommendations from the National Human Rights Commission, listened to the opinion of academic circles, businesses and human rights organizations, through public hearings. Relevant ministries are to implement the NAP under their own authority and the annual results of implementation are due for disclosure to the public by the National Human Rights Policy Council.

64. The National Human Rights Commission, civil society, and the press may monitor the implementation status of the action plans and express opinions as to whether the human rights policy included in the NAP is being faithfully implemented. Such opinions may

include calling upon the related ministries and offices to take action to fully implement the plan, proposing to amend or complement projects included in NAP, or suggesting new projects that are not yet included in the NAP.

65. The international human rights treaty bodies may recommend that the Government implement elements of the NAP through the review of periodic government reports.

66. The National Human Rights Policy Council, if necessary, may amend or complement the current NAP by evaluating the opinions from the National Human Rights Commission, civil society, the press, the international human rights treaty bodies, and may also reflect these opinions in the next NAP planning process in the year 2011.

## **2. Improvements in human rights policies and law**

67. The National Human Rights Commission may recommend that the Government research and improve human rights policy, laws, systems, and practices in accordance with the National Human Rights Commission Act. The ministers of relevant ministries or heads of institutions, upon such recommendations should respect and make efforts to implement them, and, in the event that they cannot be implemented, are required to explain in writing the reasons why they cannot be implemented.

68. NGOs may put forward opinions in the process of advance notice for enactment or amendment and may also request improvements to human rights related policy, laws, systems, and practices through the collection of opinions or through civil petitions.

## **3. Standing invitation to special procedures**

69. The ROK extended a standing invitation to all thematic special procedures mandate holders during the High-level Segment of the 7th Session of the Human Rights Council in March 2008. This serves to illustrate the willingness of the Government to cooperate with the United Nations human rights mechanisms.

# **IV. ACHIEVEMENTS AND CHALLENGES**

## **A. Best practices**

### **1. NAP 2007-2011**

70. The NAP 2007-2011 mentioned above was the fruit of three years and seven months of consultations after the Government took the decision to establish it in October 2003. By formulating the NAP, the ROK, placing utmost importance on human rights as a universal value, could have the first comprehensive human rights policy, which sets human rights as one of the key goals of national policies by bringing together human rights issues that had been dealt with separately by various ministries and offices.

71. Furthermore, the NAP has well established follow-up mechanism to effectively implement and bring about actual, durable improvements in human rights. The National Human Rights Policy Council will coordinate the process of NAP implementation such as through consultation among relevant ministries, and annual monitoring and also will also complement the NAP by reflecting the changes in the international and domestic human rights conditions.

## **2. Promotion of Women's Rights**

72. The framework for the elimination of discrimination against women and the enhancement of gender equality has been put in place with the establishment of the Ministry of Gender Equality, revision of the Framework Act on Women's Development and the establishment of the Basic Plan for Women's Policy. These initiatives made possible the abolition of the Family Head System, which was a prime example of gender discriminatory law, and the amendment of the Civil Act which came into effect in January 2008, which is designed to ensure that no one is unreasonably disadvantaged due to the principle of taking the father's surname only.

73. The participation of women in policy-making processes has been increased with the introduction of the Equal Employment Initiative for Women as well as the amendment of the Act on Elections for Public Officers which calls for at least 50 per cent of the political parties' candidates for proportional representation in the National Assembly to be women. Social activities of women have increased as well in the labor market with the establishment of the Basic Plan on Gender Equality in Employment, the establishment of the Comprehensive Human Resources Development Plan for Women and the enactment of the Act for the Creation of a Family-Friendly Social Environment.

74. To prevent sexual violence against women, the Government took pan-governmental measures, including the establishment of the Comprehensive Plan for the Prevention of Sexual Violence and Support for Victims and the formation of the Task Force against Sexual Violence. In addition, since the revision of the Act on the Prevention of Domestic Violence and Protection of Victims, it has become mandatory for schools to provide education on the prevention of domestic violence, and assistance for medical costs has been readjusted substantially. Furthermore, the Government has made efforts to tackle the fundamental and structural causes of prostitution with the formation of the Prostitution Prevention Task Force Team and with the establishment of the Act on the Prevention of Sexual Traffic and Protection of Victims, etc., of Victims thereof and the Act on the Punishment of Acts of Arranging Sexual Traffic. In particular, punishment of the procurers and clients of prostitution has been strengthened while measures have been taken to protect the human rights of the victims of forced prostitution.

## **3. Rights to Education of the Child of International Marriages**

75. In the case of children of international marriages, education rights are guaranteed by Article 31 of the Constitution as they become a Korean national at the time of birth pursuant to Article 2. 1 of the Nationality Law. According to Article 6.2 of the Constitution and the Convention on the Rights of the Child, the children of foreign workers enjoy the same rights to education as Korean children. Other than such institutional guarantees, rights to education for children from multi-cultural families who are newly emerging as an alienated class are assured through various government programs such as the 'Comprehensive Plan on Education and Welfare', 'Multi-Cultural Family Children Education Support Plan' and 'Multi-Cultural Family Education Support Plan'.

### **B. Challenges and Constraints**

76. At the time of the Asian financial crisis at the end of 1997, the ROK experienced an economic crisis during which the country had to receive a relief loan from the IMF. However, the ROK swiftly overcame this and is resurging again to the position as the 13th largest in

terms of GDP and 11th in terms of trade volume. However, during the process of overcoming the financial crisis, the human rights situation of the vulnerable as well as the underprivileged in society was aggravated by such factors as the marginalization driven by the structural reform of the public sector as well as corporations, concentration of economic power, the decrease in middle class and independent business owners, increase in non-regular employment and surge in real estate prices. These issues need to be addressed for improvement.

77. Furthermore, in the event that the current trends of holding the lowest birth rate in the world and a rapidly aging populace should continue in the future, Korean society is expected to reach the highest ratio of population aged 65 or over in the world around the year 2050. In response to this potential problem, the government will pay more attention to enabling full enjoyment of economic, social and cultural rights along with building the social safety net for the elderly.

78. Moreover, with the number of international marriages reaching 11.9 per cent of the total number of marriages in 2006 and an increase in the number of migrant workers who come to live and work in the ROK legally or illegally, the ROK is now seeing the emergence of a multi-cultural society. The Government therefore needs to double its efforts to take measures for social integration and to foster respect for human rights.

79. Facing confrontation with the DPRK, the ROK has engaged in mutual exchanges through means such as the inter-Korean summit, economic cooperation, and sports as well as cultural events. However, we have not reached a peace treaty, and 10 per cent of the Government budget is allocated to national defense.

80. For the purposes of national defense, the ROK has a universal conscription system. All Korean men are bound to compulsory military service, during which most of them serve two years as servicemen on active duty. Those who are conscripted tend to feel that they are at a disadvantage compared to women and those who are exempted from military service, because they serve in the military during a time when they are preparing to embark fully on their lives in society. Accordingly, it is not easy to achieve national consensus on the equality of men and women, or conscientious objectors to military service.

81. The general perception amongst the people towards human rights is still limited to the traditional understanding of civil and political rights such as life, security of person, residence and movement, privacy, conscience, religion, thought, speech, publication, assembly, association and political participation. However, it cannot be denied that economic, social and cultural rights such as to education, work, health, environment, and culture should gain that level of recognition.

## **V. NATIONAL PRIORITIES AND INITIATIVES**

82. The ROK will make efforts to prevent and prohibit any discriminatory practices and provide remedy for victims by legislating and implementing the Anti-Discrimination Act as a basic law, in particular to eliminate discrimination against the underprivileged and minorities.

83. The Government will exert efforts to build a social safety net to further secure the human rights of those who are vulnerable as a result of social marginalization. The Government will improve the National Basic Livelihood Security System, making it more

realistic by reflecting actual minimum living expenses and considering the introduction of individual benefit systems. It will expand assistance in each sector including healthcare, housing, education and rehabilitation as well as extend the application of four major forms of insurance, including the National Pension, National Health Insurance, Employment Insurance and Industrial Accident Compensation Insurance to help the near poor break free of poverty.

84. In particular, with respect to the issue of non-regular workers of various types, which is often pointed out as a critical issue that vividly illustrates the shadow of social polarization, the Government will explore ways to improve their human rights by conducting a thorough review of the effects of the new law on non-regular workers which is in the early stages of enforcement.

85. As part of an effort to respond to the gradual decline in the birth rate, the Government will strive to ensure that society shares the child-care burden of women and families by improving the maternal care system, expanding public child-care centers and providing a wider range of child-care services.

86. In response to the aging society, the Government is seeking to operate a new basic pension system for the elderly from 2008. Moreover, a System for the Long-term Protection and Medical Treatment of the Aged will be introduced. The Government has plans to provide more assistance for low and middle income elderly people and to establish specialized institutes for the protection of the elderly who are subjected to abuse.

87. With respect to the multi-cultural society, greater efforts will be exerted to prevent discrimination against foreigners or their children residing in the ROK; to provide education, counseling, and related information and knowledge so that foreigners and their children can fully adapt themselves to the society. We will seek to enhance the education system, raise public awareness, and improve relevant institution so that Koreans and foreigners can gain a deeper mutual understanding and respect for their histories, cultures and systems.

88. The Government will continue to exert efforts to achieve national consensus on the issue of whether to revise or abolish the National Security Law. However, apart from such efforts, when it comes to the application of the current National Security Law, the Government applies it very carefully and rigorously to prevent any abuse of the law.

89. As for conscientious objection to military service, the Government is planning to resolve issues related thereto by devising the social service system, which would incorporate conscientious objectors into the system and allow them to serve under it. In this regard, the Government is conducting surveys and research. After a thorough process of public discussions, the Government will find a policy that is suitable for the political and social conditions of the ROK.

90. With respect to human rights violations that took place under authoritarian regimes, the ROK is striving to achieve social reconciliation by finding the truth and restoring the reputation of victims through the Truth and Reconciliation Commission and by taking appropriate measures, where necessary.

91. The Government will enhance human rights awareness amongst the people by providing more widespread human rights education with a richer content.

**VI. UNIVERSAL PERIODIC REVIEW: REPUBLIC  
OF KOREA'S COMMITMENT**

92. The ROK will seek to participate fully in the entire UPR process and cooperate closely with the HRC in follow-up for the implementation of the UPR. Furthermore, the ROK will play a constructive role so that the UPR, as a key system in determining the success of the HRC as well as the United Nations system, can truly fulfill its full potential.

-----